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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,734

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Dhananjay V. Keskar

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INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

ALAM, FAYYAZ

ART UNIT

PAPER NUMBER

2618

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DELIVERY MODE

06/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/616,734	Applicant(s) KESKAR ET AL.	
	Examiner FAYYAZ ALAM	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's amendment/arguments filed on 5/5/2008.

This action is made FINAL.

Response to Arguments

Applicant's arguments filed 5/5/2008 have been fully considered but they are not persuasive.

Applicant argues on pgs. 9 - 10 that GPS is a one way communication system and GPS satellites do not receive information from GPS receiver devices and therefore, Bates and Hayduk do not teach the wireless electronic device sending device preference and capability information to at least one of the one or more supervisory devices.

Examiner respectfully disagrees.

Examiner acknowledges that it is true that GPS is a one-way communication technology, inter alia. Bates discloses a cell phone (see col. 6, lines 9-10), a GPS receiver (see fig. 1), and inherently a cellular base station and a GPS satellite. The cell phone (read as wireless electronic device) communicates with both the base station and the satellite. It is well-known in the art to use satellite phones for two-way communication with a two-way communicating satellite. However, Bates does not disclose a satellite with two-way communication. Nevertheless, one of ordinary skill in

the art would be able to substitute a one-way satellite with a two-way communication satellite in order perform supervisory control and provide user preferred services.

Furthermore, Hayduk discloses a device sending preference and capability information to at least one or more devices (see [0014; 0018; 0027] and fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 - 7, 9 - 11, 19 - 25, and 27 - 29 are rejected under 35 U.S.C. 103(a) as being obvious over **Bates et al. (U.S. Patent # 7,080,402)** in view of **Hayduk (USPN 2003/0054833)**.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Consider **claim 1**, Bates et al. disclose a method and a machine readable medium having embodied thereon instructions, which when executed by a machine, comprising: an electronic processing device (100) (read as wireless electronic device;

see col. 6, lines 9 - 10; fig. 1) that is capable of determining a geographic location in a given region of communication and therefore it must communicate with a base station or a supervisory device associated with a local area of wireless coverage; once a given geographic location is determined the electronic device (100) (read as wireless electronic device) determines what application/function to enable according to a data record (320) (read as negotiating an associated environment protocol between the wireless device and the one or more local area supervisory device; see col. 7, lines 3 - 35); and the electronic device (100) (read as wireless electronic device) interrogates (read as determining) the enablement bit to determine which application/function is automatically enabled or disabled (read as available for use) in the given geographic region (read as determining which functions are available for use in the wireless device in the local area based on the outcome of the negotiation; see col. 7, lines 3 - 35).

However, Bates does not explicitly disclose a device sending preference and capability information to at least one or more devices.

In the related field of endeavor, Hayduk discloses a device sending preference and capability information to at least one or more devices (see [0014; 0018; 0027] and fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Bates with the teachings of Hayduk in order to minimize the amount of client storage required and efficiently utilize available bandwidth (see [0003]).

Consider **claims 2 and 20** as applied to claims 1 and 19, Bates et al. disclose priorities are assigned to each geographic region, as well as, to each application/function (read as one or more priority levels associated with the local coverage area and a priority level associated with each function of the wireless device) (see col. 3, lines 6 - 7; fig. 3).

Consider **claims 6 and 24** as applied to claims 1 and 19, Bates et al. disclose a data record (320) which is comprised of priorities (312) and on/off bits (314) for the geographic region (read as local area supervisory device) and the electronic device (read as wireless electronic device) (read as set of preferences associated with the functions of the wireless device and a set of preferences and restrictions associated with the one or more local area supervisory devices) (see fig. 3).

Consider **claims 9 and 27** as applied to claims 1 and 19, Bates et al. disclose the electronic device (read as wireless electronic device) determines the enablement of the application/function (read as the determination of which functions are available to the wireless device is made by the wireless device) (see col. 7, lines 3 - 35).

Consider **claim 19**, Bates et al. discloses a system: one or more supervisory devices associated with one or more local areas of wireless coverage (since a device 100 is disclosed as being capable of determining a geographic location in a given region of communication and therefore it must communicate with a base station or a supervisory device associated with a local area of wireless coverage); a electronic processing device 100 (read as wireless electronic device), wherein the wireless electronic device comprises logic to: once a given geographic location is determined the

electronic device (100) (read as wireless electronic device) determines what application/function to enable according to a data record (320) (read as negotiating an associated environment protocol between the wireless device and the one or more local area supervisory device; see col. 7, lines 3 - 35); and the electronic device (100) (read as wireless electronic device) interrogates (read as determining) the enablement bit to determine which application/function is automatically enabled or disabled (read as available for use) in the given geographic region (read as determining which functions are available for use in the wireless device in the local area based on the outcome of the negotiation; see col. 7, lines 3 - 35).

However, Bates does not explicitly disclose a device sending preference and capability information to at least one or more devices.

In the related field of endeavor, Hayduk discloses a device sending preference and capability information to at least one or more devices (see [0014; 0018; 0027] and fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Bates with the teachings of Hayduk in order to minimize the amount of client storage required and efficiently utilize available bandwidth (see [0003]).

Consider **claims 3 and 21** as applied to claims 2, and 20, Bates et al. fail to disclose comparing the one or more priority levels associated with the local area supervisory devices to each wireless device function priority level; and setting

permissions for the operation of each wireless device function based on the results of the comparison.

In the same field of endeavor, Bates et al. disclose that priorities are assigned to both the geographic region (read as local area supervisory devices) and electronic device (read as wireless electronic device) application/function and therefore the priorities may be compared since otherwise there would be no purpose of setting priorities in both devices. In addition, once the comparison has taken place the electronic device would restrict access to an application/function in a given geographic location (read as comparing the one or more priority levels associated with the local area supervisory devices to each wireless device function priority level; and setting permissions for the operation of each wireless device function based on the results of the comparison) (see col. 3, lines 6 - 13; col. 7, lines 3 - 35; fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to compare priorities since they are already set for both the geographic region (read as local area supervisory device) and the electronic device (wireless electronic device).

Consider **claims 4 and 22** as applied to claims 3 and 21 Bates et al. fail to disclose allowing the operation of functions that have a higher priority level than any local area supervisory device priority level; and disallowing the operation of functions that have a lower priority level than a local area supervisory device priority level

In the same field of endeavor, Bates et al. disclose priorities for the geographic region (read as supervisory device) and the electronic device (wireless electronic

device) and selecting the highest priority region that has particular applications/functions associated with the given region and therefore only certain applications/functions are enabled based on the priorities (read as allowing the operation of functions that have a higher priority level than any local area supervisory device priority level; and disallowing the operation of functions that have a lower priority level than a local area supervisory device priority level) (see col. 3, lines 6 - 13, col. 7, lines 3 - 35; fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to allow and disallow the use of functions in the wireless electronic device based on performing a trivial comparison of the priorities of the two devices, i.e., the wireless electronic device and the supervisory device.

Consider **claims 5 and 23** as applied to claims 4 and 22, Bates et al. disclose the applications/functions are enabled by the user (read as settings most preferred by the user) and the function/application is allowed in the give geographic region (read as one or more supervisory devices) (see col. 8, lines 8 - 33).

Consider **claims 7 and 25** as applied to claims 6 and 24, Bates et al. fail to disclose comparing the priority level associated with each local area supervisory device preference and restriction to the priority level associated with each wireless device function; and setting permissions for the operation of each wireless device function based on the results of the comparison.

In the same field of endeavor, Bates et al. disclose that priorities are assigned to both the geographic region (read as local area supervisory devices) preferences and

restrictions and electronic device (read as wireless electronic device) application/function and therefore the priorities may be compared since otherwise there would be no purpose of setting priorities in both devices. In addition, once the comparison has taken place the electronic device would restrict access to an application/function in a given geographic location (read as comparing the one or more priority levels associated with the local area supervisory devices to each wireless device function priority level; and setting permissions for the operation of each wireless device function based on the results of the comparison) (see col. 3, lines 6 - 13; col. 7, lines 3 - 35; fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to compare priorities since they are already set for both the geographic region (read as local area supervisory device) and the electronic device (wireless electronic device).

Consider **claims 10 and 28** as applied to claims 1 and 19, Bates et al. fail to disclose the determination of which functions are available to the wireless device is made by one or more of the local area supervisory devices.

In the same field of endeavor, Bates et al. disclose that the electronic device determines which applications/functions are available to it.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to reduce the processing burden on the wireless electronic device by implementing the determination process in the local area supervisory device.

Consider **claims 11 and 29** as applied to claims 1 and 19, Bates et al. fail to disclose the determination of which functions are available to the wireless device is made by a combination of the wireless device and one or more local area supervisory devices.

In the same field of endeavor, Bates et al. disclose that the electronic device determines which applications/functions are available to it.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Bates et al. in order to reduce the processing burden on the wireless electronic device by implementing the determination process in a combination of wireless device and the local area supervisory device.

Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bates et al. (U.S. Patent # 7,080,402)** in view of in view of **Hayduk (USPN 2003/0054833)** and further in view of **Daniels et al. (U.S. Application # 2004/0259574)**.

Consider **claims 8 and 26** as applied to claims 1 and 19, Bates et al. comparing local area preferences and restrictions associated with each local area supervisory device with capabilities and user preferences of the wireless device; and setting permissions for the operation of each wireless device function based on the results of the comparison.

In the related filed of endeavor, Daniels et al. disclose comparing the user's privacy policy (read as capabilities and user preferences of the wireless device) with the

service provider's privacy policy (read as local area preferences and restrictions associated with each local supervisory devices); and determining whether to transmit the service provider's content to the corresponding mobile device (read as setting permissions for the operation of each wireless device function based on the results of the comparison) (see [0028]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Bates et al. with the teachings of Daniels et al. in order to allow access to the mobile device functions in a given location.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

June 21, 2008

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618